

FINDINGS OF FACT AND CONCLUSIONS OF LAW PACIFIC COUNTY 2020-2040 COMPREHENSIVE PLAN UPDATE

Contents

Process	2
Land Use and Rural Element	3
Critical Areas and Resource Lands	5
Housing	8
Transportation	8
Capital Facilities	9
Utilities	9
Siting Essential Facilities	9
Economic Development	9
Plan Amendment Process	10
Pacific County Shoreline Master Program	10
Voluntary Stewardship Program	10
Conclusions of Law	10
Appendix A: Ordinance Updates - 2020 Comprehensive Plan	11
Appendix B: Pacific County Planning Commissioners' Review Timeline of the 2020 Comprehensive Plan	12

FINDINGS. For the purposes of effective land use planning, the Board of County Commissioners (BOCC) adopts the following legislative findings of fact for adopted goals, policies, and amendments:

GROWTH MANAGEMENT ACT REQUIREMENTS

1. The Washington State Growth Management Act (GMA) requires Pacific County to periodically review and revise its comprehensive plan and development regulations under RCW 36.70A.130(1). and encompasses a planning horizon of 2020-2040.
2. The GMA establishes mandatory elements of a comprehensive plan in RCW 36.70A.070. These elements include plans for land use, housing, capital facilities, utilities, rural, transportation, and parks and recreation. The County's Plan also provides elements for Critical Area and Resource Lands and Siting Public Facilities as well as an amendment process.
3. Pacific County has complied with procedural and substantive requirements of Pacific County Environmental Review/SEPA Ordinance No. 166, and Chapter WAC 197-11.
4. Pacific County issued a Determination of Non-Significance for the 2020 Pacific County Comprehensive Plan on February 17, 2021.

5. The 2020 Pacific County Comprehensive Plan achieves a successful balance of the fourteen (14) Growth Management Goals as enumerated in RCW 36.70A.020.
6. New development regulations were adopted following the adoption of the 2010 Plan and are listed in Appendix A. The County's development regulations will be reviewed again following the adoption of the 2020 plan.

PROCESS

1. Pacific County produced the draft 2020 Comprehensive Plans for public comment and review February 4, 2021.
2. The Planning Commission found that the majority of assumptions, policies, and land use decisions made in the 2010 Comprehensive Plan are applicable to the 2020 Comprehensive Plan and are still valid and relevant for the next 20-year planning horizon. This finding was validated during the Planning Commission's public meeting/workshops held to review and consider public input on the plan update.
3. Much of the 2020 Comprehensive Plan update includes updating statistics, facts, figures, and tracking the most recent census & Office of Financial Management (OFM) data trends.
4. Based on the public input at the initial public meetings and workshops, the Pacific County Planning Commission determined that very few substantive changes to the plan were necessary.
5. The 2020 Comprehensive Plan encourages the involvement of citizens in the planning process and provides a mechanism to foster coordination between the County and the four incorporated cities within the County. The County has met the requirements for public participation as delineated in Pacific County Ordinance No. 177, the 2020 Public Participation Strategy and RCW 36.70A.130(2).
6. Notices of public workshops, public hearings and public comment periods were distributed, posted, and published as per the requirements of Pacific County Ordinance No. 166, WAC 197-11, Pacific County Procedures for Processing Land Use Ordinance No. 177, and as per the County's enhanced public participation strategy updated January 2021. Email lists and internet information pages were also used. The Pacific County Planning Commission's Review Timeline is documented in Appendix A.
7. Planning Commission workshops and hearing notices were mailed to agencies, faxed to area newspapers, published in the Chinook Observer newspaper, and posted on the County's website.
8. The Planning Commission received comment letters and accepted oral testimony during the public workshops and public hearings held during the 2020 Comprehensive Plan update

process. All comments received and testimony taken were reviewed and considered during the preparation of the 2020 Comprehensive Plan.

9. Pacific County issued a “60-day notice of intent to adopt” for the draft Comprehensive Plan, providing ample time for the public and State/local agencies to comment on the draft plans and documents.
10. The Pacific County Planning Commission conducted meetings, workshops, and hearings in person and on Zoom during its review of the 2020 Comprehensive Plan from January 24, 2018 – March 4, 2021. A list of the Planning Commission’s workshops and hearings can be found in Appendix A.
11. The 2010 Comprehensive Plan was amended November 1, 2018 and June 6, 2019. These amendments were minor in nature and did not represent any significant shifts in policy direction nor represent any significant shifts or changes in land use districts.

LAND USE AND RURAL ELEMENT

1. The 2020 Pacific County Comprehensive Plan has determined that there is sufficient developable land within Pacific County to accommodate the growth expected within the twenty-year planning horizon 2020-2040.
2. The 2020 Comprehensive Plan designates approximately 76% of the land area within Pacific County as resource lands (Forest and Transitional Forest). Approximately three percent of County land area serves public uses including State and Federal parks, wildlife refuges, conservation areas, and military installations. The Limited Areas of More Intense Rural Development (LAMIRD) and urban areas of the County constitute less than two percent of the total land area within Pacific County. The majority of the balance of land within Pacific County is classified as rural.
3. The Limited Areas of More Intensive Rural Development (LAMIRD) delineated during the 2020 Comprehensive Plan planning process and shown on the Comprehensive Plan Land Use Map, are based on a logical outer boundary analysis conducted during the 1998 planning process and 2012 Resolution update. Analysis conducted during the 2020 plan update process concluded that the outer boundaries of the 1998 LAMIRD’s remain valid. The existing LAMIRD’s contain enough vacant and buildable land to accommodate the next 20 years’ worth of growth demands.
4. The Limited Areas of More Intense Rural Development (LAMIRD) included within this Comprehensive Plan are limited to the existing unincorporated and historical commercial centers, and therefore should not adversely affect the rural character of the landscape. The current LAMIRDs contribute to the rural character of the Pacific County landscape as they represent the historical areas of settlement found throughout the County.
5. The 2020 Comprehensive Plan directs more growth into the incorporated cities and the Limited Areas of More Intense Rural Development than the rural areas.

6. Adoption and implementation of the 2020 Comprehensive Plan will continue protecting the existing rural character of Pacific County.
7. This Comprehensive Plan recognizes the current industrial uses that exist in rural areas of the County. These uses in general do not conflict with the rural character of the land, and are very limited in size and scope.
8. Allowing home-based occupations in rural areas is regulated under Pacific County Ordinance No. 184 and has not adversely impacted the character of the rural areas. Home base occupations are an important component of the Pacific County economy while the standards contained in Pacific County Ordinance No. 184 ensure home occupations have minimal impacts on neighboring properties.
9. Pacific County has completed the mandatory 10-year evaluation of the Urban Growth Areas as required by RCW 36.70A.130(3).
10. The amount of land area available within the Cities of Long Beach, Ilwaco, South Bend and Raymond Urban Growth Areas are adequately sized to meet the demands of future population growth. The Urban Growth Areas of these municipalities remains as defined by the city boundaries.
11. As documented in the Comprehensive Plans of these municipalities, small changes are proposed for the UGA boundaries of Long Beach, Raymond and South Bend. These changes will not significantly impact this Comprehensive Plan.
12. The 2020 Comprehensive Plan will continue the trend of encouraging development in urban areas while reducing inappropriate conversion of undeveloped land by limiting small lot subdivisions in rural areas.
13. Short term vacation rentals may be more suitable in certain districts and are regulated through Pacific County Ordinances 184B and 184C.
14. The Seaview Urban Growth Area is not being expanded this Comprehensive Plan cycle.
15. The 2020 Comprehensive Plan identifies and recognizes the importance of preserving historical and cultural resources in Pacific County.
16. The Rural Shoreline Development Designation was established during the 1998 planning effort to recognize the existing residential, commercial and recreational development in the shoreline area adjacent to the Pacific Ocean. This geographic area, extending from the City of Long Beach to the Southside of Surfside Estates and located on the west side of State Route 103, is characterized by a mixture of small lots platted prior to GMA, residential development, commercial activities, and various recreational uses and amenities such as Recreational Vehicle Parks, Vacation Rentals, State Parks and open space areas. The State of Washington owns and manages a large percentage of the land area (accretions) west of

the developed areas while there are few large vacant tracts of privately owned land remaining. The area is characterized by a “piano key” type of lot ownership with multiple long, narrow lots running the length from the State Highway west to the Pacific Ocean. The area included within the Rural Shoreline Development designation is not identified as a Limited Area of More Intensive Rural Development (LAMIRD) because it is not a distinct rural community. The original boundaries of the Rural Shoreline Development designation, as delineated on the Land Use Map, was established during the 1998 and 2010 Comprehensive Plans and was not changed during the 2020 Comprehensive Plan update.

17. The Port-owned properties designated as Rural Industrial lands are characterized by, and intended to promote, a mixture of industrial and commercial operations. This finding was established in 1998 and is still valid for 2020.
18. This Comprehensive Plan does not contain any provisions for, nor does it prohibit, master planned resorts under RCW 36.70A.360, or major industrial developments under RCW 36.70A.365.
19. As a general proposition, nonconforming uses that pose a threat to health, safety, and welfare should be phased out or amortized over time.

CRITICAL AREAS AND RESOURCE LANDS

1. The implementation of the 2020 Comprehensive Plan will foster economic development by maintaining viable agricultural and forestry industries.
2. Pacific County Ordinance No. 180 and 180A, Critical Areas and Resource Lands, and the corresponding language in the 2020 Comprehensive Plan, fosters a regulatory structure that maintains and enhances natural resource-based industries, including productive timber, agricultural, and fishing industries. Continued implementation of Ordinance No. 180 and 180A will encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.
3. The environmental protection policies contained in the 2020 Comprehensive Plan, in conjunction with the regulatory framework of Ordinance No. 180 and 180A, Critical Areas and Resource Lands, produce valuable ecological benefits. Existing wetland and riparian areas are being protected through the implementation of buffering and setback requirements while the ongoing monitoring of groundwater provides a mechanism to monitor water quality trends and protect the Long Beach Peninsula aquifer.
4. Pacific County Ordinance No. 180 and 180A, Critical Areas and Resource Lands, and existing hydraulic project approval (HPA) requirements ensure sufficient protection of the fisheries riparian habitat.
5. Pacific County Ordinance No. 180 and 180A, Critical Areas and Resource Lands, provides a framework for protecting wetlands which is based on recommendations and updates in the Western Washington Wetland Manual from the Department of Ecology.

6. If Pacific County has reason to believe that a wetland may exist on a parcel which is the subject of a development application or within one hundred (300) feet of the parcel, a written determination regarding the existence or nonexistence of wetlands must be submitted to the Department of Community Development. If it is determined that wetlands exist, a wetland delineation must be obtained when an activity regulated under the Pacific County Critical Areas and Resource Lands Ordinances No. 180 and 180A is proposed within three hundred (300) feet of the boundary of a wetland.
7. Land use regulations designed to ensure the (a) land base for the long-term cultivation of natural resources was not degraded and (b) land use conflicts were minimized by balancing environmental and development priorities, were implemented following the adoption of the 1998 and 2010 Comprehensive Plans. These same land use regulations will be reviewed and updated to ensure consistency with the 2020 Comprehensive Plan.
8. New on-site septic systems that are properly installed and maintained under the requirements of Pacific County Board of Health Ordinance No. 3E will not adversely affect the environment. The requirements of Ordinance No. 3E are sufficient to protect the groundwater, surface water, and critical areas and resource lands from contamination by bacteria and viruses of public health importance. Pacific County Board of Health Ordinance No. 3E has been approved by the Washington State Board of Health.
9. The vulnerability of the aquifer under the Long Beach Peninsula is exacerbated by a high water table but is lessened by a very high recharge rate and updated on-site sewage system standards. At current growth rates, the contamination loading potential on balance will not significantly affect the quality of the aquifer.
10. Population growth projections from the 2020 Plan indicate the rate of growth county-wide is slow and should not have a significant effect on groundwater quality or quantity.
11. The minimum density within the Ocean Park Rural Village is one unit per acre. Additional one acre lots that may be created within the Ocean Park Rural Village during the next twenty years will not appreciably impact water quality on the Long Beach Peninsula. Continued application and enforcement of Pacific County Ordinance No. 180 and 180A, Critical Areas and Resource Lands, and Pacific County Flood Control Zone District No. 1 Ordinance No. 176, Land Alteration and Drainage, will ensure that potential water quality impacts related to development within the Ocean Park Rural Village are properly addressed.
12. On the Long Beach Peninsula, the absence of waste disposal sites, the limited impacts of agricultural activities, the overriding presence of low intensity land uses, and favorable water quality test results from the USGS groundwater study and recent sampling tests, indicate that the contaminant loading potential during the planning period is low.
13. The Soil Survey of Grays Harbor County Area, Pacific County, and Wahkiakum County Washington, 1986, Soil Conservation Service, USDA, delineates soil types that are suitable

- for agriculture. Any prime farmland in Pacific County has severe limitations based on high rates of erosion, excessive water in or on the soil, and length of suitable growing season.
14. Many areas of farming, predominately cattle grazing and hay production, have been historically located on diked tidelands of Willapa Bay. The trend in removal of dikes to restore wetland and tidelands is expected to reduce large tracts of land available for use in agriculture.
 15. The Agriculture designation on the Comprehensive Plan Land Use Map is not intended to identify all agricultural areas (including aquaculture) within Pacific County.
 16. Land devoted to aquaculture and cranberry production constitutes Agricultural Land of Long Term Commercial Significance in Pacific County. The agricultural lands suitable for cranberry production are designated on the Comprehensive Plan Land Use Map as agriculture. The lands devoted to aquaculture are not specifically mapped on the Comprehensive Plan Land Use Maps. Lands designated as Agricultural Land of Long Term Commercial Significance were defined using input from the farming community and the public during the 1998 planning process and have not significantly changed.
 17. Designated resource lands, particularly Forest Land of Long Term Commercial Significance, constitute an overwhelming percentage of the land and water within Pacific County.
 18. The boundaries delineating the Forest Land of Long Term Commercial Significance in the 2020 Comprehensive Plan have remained relatively unchanged.
 19. Less than one percent of the Forest Land of Long Term Commercial Significance is served by public services or facilities (infrastructure) necessary to convert to other uses. The roads that serve this area are private, graveled, forest management roads.
 20. Forest Land of Long Term Commercial Significance is located well outside of any urban and suburban areas and rural settlements and typically contains large parcels.
 21. The coastal areas of Pacific County are within Tsunami Inundation Zones as mapped by the Washington State Department of Natural Resources (2018-01 Map Series). Pacific County, through its Emergency Management Services, has adopted emergency plans for identifying and coordinating evacuation routes, providing services during a disaster, and for resumption of service delivery that are consistent with the 2020 Comprehensive Plan.
 22. The mining of limited quantities of beach sand is an activity compatible with a wide variety of land uses and is regulated through County permitting processes.
 23. The minimum density and lot area rules (5 acres minimum) for Mineral Land of Long Term Commercial Significance ensure that the integrity of productive mineral land will not be compromised.

24. Pacific County Shoreline Master Program regulates dune modification and protects the primary dune from grading practices.

HOUSING

1. Washington State’s Growth Management Act (GMA) directs planners to “encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.” (RCW 36.70A.020(4)).
2. The 2020 Comprehensive Plan recognizes the importance of maintaining affordable housing and encourages a full range of housing options within the urban areas.
3. Per RCW 43.62.035, the Office of Financial Management (OFM) is authorized to prepare 20-year growth management (GMA) population projections for all counties in Washington. The projections are developed within the framework of expected state growth and are to provide a reasonable range growth rates for each county. The “medium” projection by OFM is considered most likely.
4. The “Medium” annual rate of population growth projected by OFM for Pacific County over the twenty-year planning period 2020-2040 is 0.09%. This 0.09% annual population growth rate is adopted by this Plan as the most likely outcome.
5. Pacific County has over 16,000 dwelling units, of which approximately 9,300 units are occupied full-time (57.2%) with the remainder used seasonally or for vacation use as a second home (meaning that over 6,900 units or 43% of total units are considered vacant).

TRANSPORTATION

1. The State highway system within Pacific County remains the primary means of transportation due to the rural character of the County and the dispersed nature of the population. Population growth anticipated within the next twenty years will not cause any major roadways to fall below acceptable Level of Service (LOS) standards.
2. The 2020 Levels of Service (LOS) standards for different roadways within the County have not shown any decrease in LOS since 1998. The State highway system within Pacific County has also not shown any decrease in LOS since 1998.
3. The use of motorized vehicles will constitute the overwhelming method of transportation within Pacific County. The state highway and county roadway system are capable of handling the projected increase in vehicular traffic as documented in the 2020 Comprehensive Plan. With few exceptions, such as during peak seasonal or holiday use by tourists, none of the roads are projected to fall under Level of Service (LOS) Category A, i.e., primarily free-flowing traffic operations at average travel speeds.

4. Transportation studies that examine traffic congestion in the beach communities of Pacific County should treat the beach as a highway for law enforcement and recreation purposes.
5. While acknowledging seasonal transient impacts, this Comprehensive Plan does not attempt to solve extreme “peak-load” problems associated with summertime activity on the Long Beach Peninsula.

CAPITAL FACILITIES

1. The 2020 Comprehensive Plan provides the necessary public facilities and services to support Pacific County’s expected level of growth through the next 20 years.

UTILITIES

1. The trend in telephone service is away from the traditional land lines toward cellular service. This trend is reflected in the number of Wireless Communication Towers permitted and constructed.
2. Wireless Communication Towers and Alternative Energy Production Facilities are considered Essential Public Facilities in the 2020 Comprehensive Plan.
3. Wind energy production in Pacific County is regulated through Ordinance No. 184 for both commercial and personal energy production. Other types of alternative energy production, including wave/tidal energy and biomass energy, are still in the early investigatory stages.

SITING ESSENTIAL FACILITIES

1. No new public facilities were proposed or developed in this planning period.

ECONOMIC DEVELOPMENT

1. In accordance with RCW 36.70A.070 (7), the Growth Management Act (GMA) requires the comprehensive plan for each county to include “An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life.”
2. Per WAC 365-196-435, Counties and cities should consider using existing economic development plans developed at the county and regional level and may adopt them by reference as a means of including an economic development element within their comprehensive plan.
3. An Overall County Economic Development Plan (OEDP) has been developed and published in 2020 by the Pacific County Economic Development Council with community support. In partial fulfillment of GMA requirements for the economic development element of its comprehensive plan, Pacific County includes by reference this OEDP which is available as an independent publication from the Pacific County Economic Development Council.

PLAN AMENDMENT PROCESS

1. In accordance with RCW 36.70A.130 Pacific County will consider proposed amendments or revisions of this Comprehensive Plan no more frequently than once every year. Procedures for the process are found in Pacific County Ordinance No. 177 and 177A.

PACIFIC COUNTY SHORELINE MASTER PROGRAM

1. RCW 36.70A.480 states that goals and policies of a shoreline master program for a County shall be considered an element of the County's Comprehensive Plan.
2. The Pacific County Shoreline Master Program (SMP) was first prepared in 1975 and subsequently updated in 1986, 2001, and 2017. The adopted 2017 Ordinance No. 183 details specific goals and policies governing shorelines in accordance with the Washington Shoreline Management Act (RCW 90.58). It is the intent of this Comprehensive Plan to recommend goals and policies that are consistent with the Shoreline Master Programs of the County and its municipalities.

VOLUNTARY STEWARDSHIP PROGRAM

1. The Voluntary Stewardship Program (VSP) was established in 2011 as part of the Growth Management Act as an alternative to county regulations for critical areas on agricultural lands (RCW 33.70A.705). Counties participating in VSP create a work plan that is approved by the Washington State Conservation Commission and then implement the plan by recruiting local landowners to participate in incentive-based stewardship activities. Pacific County opted to participate in the VSP program via Resolution 2012-003.
2. Pacific County's VSP workplan was approved by the State VSP Technical committee on August 7, 2017.

CONCLUSIONS OF LAW

1. The subject amendments are consistent with and implement the planning goals of the Growth Management Act. The proposed amendments conform to applicable requirements of the GMA.
2. The Planning Commission bases its findings, conclusions, and recommendations herein upon its review of the 2010 Comprehensive Plan and Resolution 2012-022 Amendment to that Plan, together with submitted written and oral testimony, staff reports, analyses, supporting maps, laws, and other information as may be referenced. Where specific votes by the Commission are not indicated, all findings, conclusions, and recommendations were achieved through consensus or general agreement.

If any Finding is in truth a Conclusion of Law, or if any Conclusion stated is in truth a Finding of Fact, it shall be deemed so.

APPENDIX A: ORDINANCE UPDATES - 2020 COMPREHENSIVE PLAN

ORD 163, Land Divisions, adopted December 20, 2012, in accordance with Chapters 36.32 RCW, 36.70 RCW and 36.70A RCW.

ORD 165, Civil Infractions, adopted December 20, 2012, in accordance with Chapters 36.32 RCW, 36.70 RCW, and 36.70A RCW.

ORD 166, State Environmental Protection Act, adopted December 20, 2012, in accordance with Chapter 36.32 RCW.

ORD 176, Flood Damage Prevention, adopted May 22, 2015, in accordance with Chapter 86.16 RCW.

ORD 177, Procedure for Processing Land Use Development Applications, adopted February 23, 2016, in accordance with Chapters 36.32 RCW, 36.70 RCW, 36.70A RCW, 37.70B RCW and 36.70C.

Amended, ORD 177A, adopted December 30, 2019.

ORD 180, Critical Areas and Resource Lands, adopted August 23, 2016, effective January 14, 2018, in accordance with Chapters 36.32 RCW, 36.70 RCW and 36.70A RCW.

Amended, ORD 180A, adopted December 30, 2019

ORD 183, Shoreline Master Program, adopted December 12, 2017, effective January 14, 2018, in accordance with RCW 90.58 and WAC 173-26.

ORD 184, Zoning, adopted December 12, 2017 in accordance with Chapters 36.32 RCW, 36.70 RCW, and 36.70A RCW.

Amended, ORD 184B, Section 21N, Short Term Vacation Rentals, adopted July 30, 2020.

Amended, ORD 184C, Sections 12, Restricted Residential District; Section 21, Supplementary District Regulations; and Section 26, Non-conforming Uses and Structures, adopted September 8, 2020.

APPENDIX B: PACIFIC COUNTY PLANNING COMMISSIONERS' REVIEW TIMELINE OF THE 2020 COMPREHENSIVE PLAN

<u>DATE</u>	<u>EVENT</u>	<u>MEETING PURPOSE</u>
February 1, 2018	Public Workshop	Overview of CP Update Process Discuss Public Participation Plan Strategy Discuss Urban Growth Areas
March 1, 2018	Public Workshop	Scoping of CP Issues Discuss Zoning Issues Discuss Countywide Policies
April 5, 2018	Public Workshop	Continue Discussing Zoning Issues
May 3, 2018	Public Meeting	Discuss CP Update Process
June 7, 2018	Public Workshop	Discuss 2012 CP, Amendment (UGA) Review of Section 2, Land Use and Rural Element
August 2, 2018	Public Workshop	Continue Review of Section 2, Land Use Element
January 3, 2019	Public Workshop	Continue Review of Section 2, Land Use Element
February 7, 2019	Public Workshop	Review of Section 3, Critical Areas and Resource Lands
March 7, 2019	Public Workshop	Review of Section 4, Housing Element
May 2, 2019	Public Workshop	Review of Section 5, Transportation Element
June 6, 2019	Public Workshop	Review of Section 6, Capital Facilities Element
November 7, 2019	Public Workshop	Review of Section 7, Utilities Element
December 5, 2019	Public Workshop	Review of Section 8, Siting of Essential Facilities
October 1, 2020	Public Workshop ¹	Continue Review of Section 8, Siting Essential Facilities Review of Section 9, Plan Amendment Process
December 3, 2020	Public Workshop ¹	Overall CP Review, including Timeline
January 7, 2021	Public Workshop ¹	Overall CP Review
February 4, 2021	Public Workshop ¹	Review of Final 2020 Draft CP
March 4, 2021	Public Workshop/Hearing ¹	Review of Final 2020 Draft CP Determination of Developmental Regulations Update Review of Findings of Fact & Conclusions of Law Determination of SEPA DNS

¹ Conducted via publicly-accessible internet video conference, using commercial Zoom platform.